

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 15-CR-132

STEPHEN J. NEUBAUM,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 23, 2015, Defendant Stephan J. Neubaum was charged in a three-count Indictment, charging Neubaum with Transportation/Shipping of Child Pornography in Interstate Commerce, in violation of 18 U.S.C. § 2252A(a)(1). (ECF [1]). On August 16, 2016 the Government filed a four-count Superseding Indictment adding a charge that Neubaum Possessed Child Pornography in in violation of 18 U.S.C. § 2252A(a)(5). (ECF No. [35]). Thereafter, on August 26, 2016, the Government filed a one-count Information alleging Stephen J. Neubaum Possessed Images of Child Pornography which had been shipped in interstate commerce in violation of 18 U.S.C. § 2252A(a)(5). (ECF No. [43]). On August 26, 2016, Stephen Neubaum signed a Plea Agreement. (ECF [44]). The United States of America and Stephen J. Neubaum appeared before Magistrate Judge Nancy Joseph on August 26, 2016, pursuant to Federal Rule of Criminal Procedure 11, and Neubaum waived his right to prosecution by indictment and entered a plea of guilty to the one-count Information, resolving the pending charges against him. (ECF No. [42]). After cautioning and examining Defendant Neubaum under oath concerning each of the subjects mentioned in Rule 11, Magistrate Joseph determined that the guilty plea was knowing and voluntary, and that the offense charged was supported by an independent factual basis containing each of the essential elements of the offense.

Thereafter, Magistrate Joseph filed a Report and Recommendation with this Court, recommending that: (1) Stephen J. Neubaum's plea of guilty be accepted; (2) that a presentence investigation and report be prepared; and (3) that Stephen Neubaum be adjudicated guilty and have a sentence imposed accordingly. (ECF No. [42]). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection. The Court has considered Magistrate Judge Joseph's recommendation and, having received no objection thereto, will adopt it.

Accordingly, **IT IS ORDERED** that Magistrate Judge Nancy Joseph's Report and Recommendation (ECF No. [42]) be and the same hereby is ADOPTED. I find that Stephen J. Neubaum's right to prosecution by indictment was freely and voluntarily waived. I also find his plea of guilty was freely and voluntarily entered and that a factual basis has been set forth on the record that supports the plea. Upon my acceptance of the plea, I find Defendant Stephen J. Neubaum guilty of Possession of Child Pornography in violation of 18 U.S.C. § 2252A(a)(5). A presentence investigation and report has been ordered. Sentencing will take place on November 17, 2016, at 2:00 p.m. in Courtroom 320 at the federal courthouse in Milwaukee, Wisconsin.

Dated this 13th day of September, 2016.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court